

REMARKS

The objection indicated to the claim numbering has been corrected.

Reconsideration of the rejection of the claims is respectfully requested. Claim 25, for example, was rejected over the European patent application. Claim 25 calls for a characteristic analyzer to analyze the characteristic of packets and to assign a packet weight based on that characteristic.

The cited reference does not look at any characteristic of a packet to assign the weight. The material relied on for assigning the weight includes the material at the bottom of column 8 and the material at lines 11 *et seq.* of column 10. In column 8, the weights are indicated to represent "the cost of using the network." See lines 53 and 54. The cost can be a dollar cost incurred or charged, such as the cost of the equipment used, the network quality, and the raw information unit count (weight of 1). In column 10 it is indicated that the time periods when the network is accessed can be used to assess cost.

None of these factors which in any way vary the weight (weight different than 1) have anything to do with a characteristic of a packet. The dollar cost incurred or charged by the service provider is not indicated to be in any way due any characteristic of the packet. More likely it is due to the cost assigned by particular service providers and, therefore, use of those service providers would incur a weighted cost relative to use of other service providers. Similarly, the time period when the network was utilized has no bearing on a characteristic of the packet.

Therefore, reconsideration of the rejection of claim 25 is respectfully requested.

Also, reconsideration of the rejection of the dependent claims is requested as well. For example, dependent claim 27 calls for a weight definition store coupled to the packet and analyzer to store weight values for different packet characteristics. Since the European patent application does not care about packet characteristics, it does not have any weight definition store to store them.


Likewise, claim 28 calls for an analyzer to analyze packet headers. The weights that are assigned in the European patent application would not call for any analysis of the packet headers. Therefore, reconsideration of the rejection of claim 28 is requested. On the same basis, reconsideration of the method claim 31 and dependents claims 33 and 36 is respectfully requested, as well as claim 39 and its dependent claims 42, 43, and 44.

In view of these remarks, reconsideration is respectfully requested.

Respectfully submitted,

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